

CANADA / JUDGMENT

Sovani v. Jin et al

2005 BCSC 1851

COURT

Supreme Court of British Columbia

DECIDED

20 January 2005

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2005 BCSC 1851 Sovani v. Jin et al Citation: Sovani v. Jin et al Date: 20050120 2005 BCSC 1851 Docket: B981465 Registry: Vancouver IN THE SUPREME COURT OF BRITISH COLUMBIA Oral Reasons for Judgment Madam Justice Neilson and Jury January 20, 2005 BETWEEN: SHAFFIN SOVANI PLAINTIFF AND: XIAO MING JIN and CHI LAN YANG DEFENDANTS Docket: S056078 Registry: New Westminster BETWEEN: SHAFFIN AMIRALI SOVANI PLAINTIFF AND: MARIUSZ J. KWIATKOWSKI DEFENDANT Docket: S057344 Registry: New Westminster BETWEEN: SHAFFIN SOVANI PLAINTIFF AND: COLLEEN ANNE CRAIG and JOSHANA C. CRAIG DEFENDANTS Counsel for the Plaintiff M. Maryn T. Harding Counsel for the Defendants, Jin, Yang and Craig A. Ross Counsel for the Defendant, Kwiatkowski L. Stevens

- [1] THE COURT: This is a ruling on a number of objections to Dr. Ancill's evidence on the basis that his report doesn't contain adequate notice of these. With respect to issues of happiness in relationships and other aspects prior to the accident, I am advised that this evidence will be in reply to Dr. Vallance's evidence. While ideally Dr. Ancill would be returning to give reply evidence, he is unavailable for the next five weeks. I am going to permit him to give evidence on those facts or on those issues in the context of reply to Dr. Vallance. Counsel for the defence is well aware of the issues in the sense that they've been here in evidence now for a number of days. Dr. Vallance will be given leeway to reply to whatever Dr. Ancill raises that was not in his report. Those measures, in my view, adequately look after the fairness or unfairness of permitting Dr. Ancill to testify to them although they are not in his report.
- [2] With respect to asking if a layperson can tell if someone is encoding memory, the issue of patchy memory has been front and centre with a number of witnesses, both in direct examination and cross-examination. I will permit that question as patchy memory, its absence or presence, is being vigorously pursued.
- [3] Finally, with respect to how psychiatrists deal with the types of problems Mr. Sovani presents, which I take to be the diagnosis and treatment of traumatic brain injury, those issues were clearly there before Dr. Ancill when he wrote his report. Any evidence on those issues will be limited to what is in his report. I see no basis for providing a wider range in examination on those issues, given his area of expertise and nature of Mr. Sovani's complaints. He clearly had written on them in his report or supplemental report. "K.

Neilson, J." The Honourable Madam Justice K. Neilson

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